

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AUG 13 2018

Justin Cody Wheeler 80819
Full Name/Prisoner NumberPO Box 800Grants NM 87020
Complete Mailing AddressIN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICOCivil Action No. 18CV 777-RB/LF
(To be supplied by the Court)Justin Cody Wheeler 80819_____, Plaintiff(s),
Full name(s) and prisoner number(s)
(Do not use *et al.*)

v.

Betty Judd, Rolando Valencia, Chaplen Compton
Chief Rankin, Core Civic, German Franco, NM ^{Dept. Corrections}
(Do not use *et al.*) Defendant(s).PRISONER'S CIVIL RIGHTS COMPLAINTA. PARTIES AND JURISDICTION1. Justin Cody Wheeler is a citizen of New Mexico who
(Plaintiff) (State)presently resides at PO box 800 Grants NM 87020
(mailing address or place of confinement)2. Defendant Betty Judd is a citizen of New Mexico
(name of first defendant) (State)whose address is 1900 old Hwy 66 Grants NM 87020and who is employed as warden Core Civic (CCA) At the time the claim(s)
(title and place of employment)

alleged in this complaint arose, was this defendant acting under color of state law?

☒ Yes ☐ No. If your answer is "Yes," briefly explain:supervisor, Core Civic (CCA) private prison for profit

"A" PARTIES

(Page 2 A)

4 Chaplain Compton
1700 old why "Grants New Mexico 87020

5 Chief Rankin
1700 old why 66 Grants New Mexico 87020

6. Core Civil "CCA"
1700 old why 66 Grants New Mexico 87020

7 German franco Director of New Mexico prisons

8 New Mexico dept of Corrections

3. Defendant Rolando Vazquez is a citizen of New Mexico
(name of second defendant) (State)

whose address is 1700 Old Hwy Grants New Mexico 87020

and who is employed as Associate Warden Core Civil (ccA) At the time the claim(s)
(title and place of employment)

alleged in this complaint arose, was this defendant acting under color of state law?

☒ Yes ☐ No. If your answer is "Yes," briefly explain:

See Attached pages labeled "A"

(If more space is needed to furnish the above information for additional defendants, continue on a blank sheet which you should label "A. PARTIES." Be sure to include each defendant's complete address and title.)

(CHECK ONE OR BOTH:)

☒ Jurisdiction is asserted pursuant to 42 U.S.C. § 1983 (for state defendants) or *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (for federal defendants).

☒ Jurisdiction also is invoked pursuant to 28 U.S.C. § 1343(a)(3). (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)

B. NATURE OF THE CASE

BRIEFLY state the background of your case.

See attached page "B"

C. CAUSE OF ACTION

I allege that the following of my constitutional rights, privileges, or immunities have been violated and that the following facts form the basis of my allegations: (If more space is needed to explain any allegation or to list additional supporting facts, continue on a blank sheet which you should label "D. CAUSE OF ACTION.")

Claim I: _____

"B" Nature of the Case Pg 1

1. Since the year of 2015 I have been a member of the Asatru faith. When I arrived here at "CCA" Core Civil Grants New Mexico. Chaplin Compton has changed my religious status to Jewish "with out my consent" or "knowledge."
2. From May 2018 Chaplin Compton with the ^{approval} of warden Judd, Aw, Valencia, Chief Rankin Has continuously discriminated against Asatru members, in maintaining ~~not~~ religious services, ~~my~~ religious feasts, religious articles needed for services, canceled services with out notice. this kept us as meeting ~~and~~ ~~was~~ a complete group and prevented us from using facilities ~~at~~ available at the Chapel and most religious items. Those restrictions were not placed on Christian groups, but applied to non-Christian groups.
3. Prison officials also agreed to permit us the purchase of outside food and beverages for Asatru Ceremonial Feasts from a Common Fund and to allow prisoners to share food for ceremonial purposes with out being subject to disciplinary action for bartering. But prison officials went back on there word and has denied Asatru members for religious feasts. All listed defendants are in violations of the 1st amendment. the Religious freedom Restoration act "RFRA" and the Religious land use act "RLUIPA"

Cause of action I

My constitutional right 1st Amendment
"RLUIPA" were violated by all
listed parties. (see page 2A)

my 8th amendment rights who violated by
warden Ldd, a.w. Valencia And Chaplain
Compton. My mental state and religious Beliefs
are in a constant turmoil because of there
ridicule, denial of my religious beliefs.

Core Linc "does not" follow policy and procedure
if you ask any two employees the same
question they wont have the same answer

Supporting Facts: (Include all facts you consider important, including names of persons involved, places, and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

Claim II: Warden Judd A.W. Valencia, Chaplain Compton
Chief Rankin: Core Civic (CCA) The N.M. Dept of Corrections and
Common Trans:

- Supporting Facts: 1) These listed Parties have all worked together to keep the Asatru Religion out of the N.M. Prison System.
- 2) all listed parties are responsible for asserting their "authority" and "dominance" in keeping only "Christian" sects in State Prisons.
 - 3) Denying Asatru believers "chapel time", denying Asatru deists. Refusing prayer & religious items.
 - 4) Transferring approximately $\frac{1}{2}$ of the ~~Asatru~~ Asatru Groups to other facilities at one time, thereby trying to diminish our Order at Core Civic (CCA) Grants, N.M.
 - 5) Chaplain Compton refuses to talk with Asatru because we are not Christian sect, and she is racist because she believes Asatru is a ^{RACIST} organization.
 - 6) All Religious material & Books, destroyed & thrown out during state-wide shake-down. State approved.
 - 7) Core Civic (CCA) employees refuse access to "yard" altar for services & attending to Asatru Altar for maintenance.
 - 8) Many more details and Core Civic (CCA) refused upon request or Court orders.

Claim III:

See attached pages

Supporting Facts:

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment? Yes No. If your answer is "Yes," describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits using this same format on a blank sheet which you should label "E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF.")

a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

b. Name and location of court and docket number _____

c. Disposition of lawsuit. (For example, was the case dismissed? Was it appealed?
Is it still pending?)

d. Issues raised: _____

e. Approximate date of filing lawsuit: _____

f. Approximate date of disposition: _____

2. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part D. X Yes No.

If your answer is "Yes," briefly describe how relief was sought and the results.

All of the Cause of Action + violation of our Constitutional Rights, (State + Federal)

3. I have exhausted available administrative remedies. Yes X No. If your answer is "Yes," briefly explain the steps taken. Attach proof of exhaustion. If your answer is "No," briefly explain why administrative remedies were not exhausted.

a) Core Civil (CCA) refuses to answer or admit to having any/all grievances.

E. PREVIOUSLY DISMISSED ACTIONS OR APPEALS

1. If you are proceeding under 28 U.S.C. § 1915, please list each civil action or appeal you have brought in a court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Please describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a blank sheet which you should label "F. PREVIOUSLY DISMISSED ACTIONS OR APPEALS."

a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

b. Name and location of court and docket number _____

c. Grounds for dismissal: () frivolous () malicious () failure to state a claim upon which relief may be granted.

d. Approximate date of filing lawsuit: _____

e. Approximate date of disposition: _____

2. Are you in imminent danger of serious physical injury? ☒ Yes ☐ No. If your answer is "Yes," please describe the facts in detail below without citing legal authority or argument.

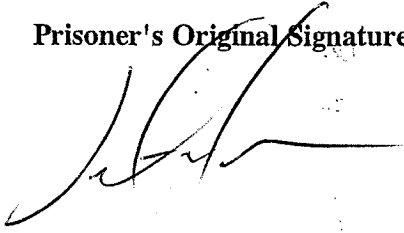
Core Civic Employees ridicule my religious beliefs, threaten me with "seg..." under Bivens, retaliation.

G. REQUEST FOR RELIEF

I request the following relief:

- 1) I would like \$1,800.⁰⁰ a day from the date I got here to the date I am released.
- 2) \$5,000.⁰⁰ from each person named as a defendant.
- 3) \$500,000.⁰⁰ from Core Civic (CCV)
- 4) \$500,000.⁰⁰ N.M. Dept of Corrections
- 5) & whatever the Court deems appropriate.

Prisoner's Original Signature



Original signature of attorney (if any)

Attorney's full address and telephone

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at

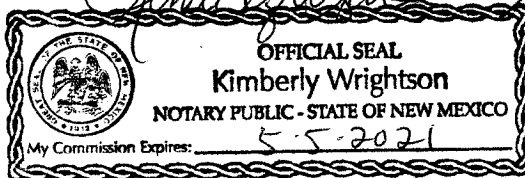
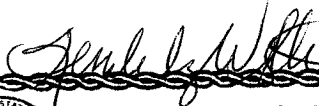
Core Civic (CCA) Ermita NM
(location) 87020

on

(date)

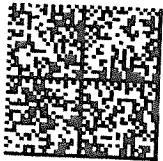
8 7, 2018

Prisoner's Original Signature



SUBSCRIBED AND SWORN TO BEFORE
ME THIS 9TH DAY OF AUGUST, 2018,
BY JUSTIN WHEELER.

Justice Wheeler
PO Box 800
Grants New Mexico
87020



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AUG 13 2018

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